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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,389

02/05/2004

Masatoshi Arai

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02/09/2007

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

ZHOU, TING

ART UNIT

PAPER NUMBER

2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/771,389

Applicant(s)

ARAI, MASATOSHI

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 are pending in the application.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is over 150 words. Correction is required. See MPEP § 608.01(b).

3. The abstract of the disclosure is also objected to because of the following informalities: the use of the term "beingselectively" is grammatically incorrect. The examiner assumes that this is a typographical error and that the intended phrase is -- being selectively --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the right and the left side" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim. Claims 2-4 are dependent upon claim 1 and are rejected for similar reasons.

Claim 2 further recites "wherein said precedent item frames and of the current item frame" in line 5; this recitation does not clearly convey the meaning of the limitation the applicant is trying to recite; for examination purposes, the examiner assumes that the intended limitation is -- wherein said precedent item frames and subsequent item frames of the current item frame --. Claims 4 is dependent upon claim 2 and is rejected for similar reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetherington et al. U.S. Patent 6,388,686 (hereinafter "Hetherington") and Kurtenbach U.S. Patent 5,689,667.

Referring to claim 1, Hetherington teaches a list display device comprising a display means for displaying a plurality of item frames in sequence on a display screen (displaying a plurality of items such as 208a-208f shown in Figure 2A) (Hetherington: column 4, lines 26-51); and a display controlling means for moving the plurality of item frames displayed on the display means in response to an input operation into an operation element to thereby display any intended item frame (user input into the rotate control 208 changes the current displayed item) (Hetherington: column 4, lines 26-51 and further shown in Figure 2), wherein the display means arranges a current item frame, which is selectively intended at present, in a central zone in the display screen (for example, as shown in Figure 2, item 208d is the current item frame, and it is displayed in the middle, i.e. center of items 208b and 208d) (Hetherington: column 2, lines 18-42 and column 3, line 64-column 4, line 51), wherein precedent item frames and subsequent item frames of the current item frame are arranged on a first side and a second side that are separated by the central zone and overlapped each other in a staircase pattern viewing from a cross direction of the display screen with the item frames immediately before and after the current item frame being in foregrounds (for example, item 208c is the current item frame and is displayed in the central zone, and precedent and subsequent item frames such as items 208b and 208d are displayed on either side of item 208c as shown in Figure 2) (Hetherington: column 2, lines 18-42 and column 3, line 64-column 4, line 51), and wherein the display controlling means is designed to move the current item frame together with the precedent and subsequent item frames on the right and the left side being overlapped each other in the staircase pattern in response to an input operation into the operation element (user input such as selection of item 208d will make 208 the current item, being in the middle of precedent and subsequent items 208c and 208e, respectively)

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(Hetherington: column 2, lines 18-42, column 3, line 64-column 4, line 51 and Figure 2).

However, Hetherington fails to explicitly teach each of the item frames indicating an item name of the list. Kurtenbach teaches a graphical user interface for displaying each of the item frames indicating an item name of the list similar to that of Hetherington. In addition, Kurtenbach further teaches each of the item frames indicating an item name of the list (each of the menu items displayed in the radial menu shown in Figures 4 and 6 comprise a displayed named of the item, i.e. "Meat" in Figure 4 or "Menu Item 1" in Figure 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Hetherington and Kurtenbach before him at the time the invention was made, to modify the circular display and rotation/selection of menu items taught by Hetherington to include the display of the name of the item of Kurtenbach. One would have been motivated to make such a combination in order to provide a menu display that is easy and convenient for the user, allowing the user navigate through the menu and select items quickly.

Referring to claim 2, as best understood by the examiner, Hetherington, as modified teach wherein the operation element is a rotation operation element (the menu items are arranged and rotated circularly as shown by reference character 208 in Figure 2A of Hetherington)

(Hetherington: column 2, lines 32-42 and column 4, lines 8-36), wherein the current item frame is arranged at a horizontally center position of a circular arc, and wherein the precedent item frames and subsequent item frames of the current item frame are arranged on a right side and a left side of the circular arc (for example, if item 208a is selected by the user, then 208a is the current item frame and is displayed in the horizontally center position of the circular display 208, and precedent and subsequent item frames such as items 208f and 208b are displayed on either

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side of item 208a as shown in Figure 2A) (Hetherington: column 2, lines 32-42 and column 4, lines 8-36).

Referring to claims 3 and 4, Hetherington, as modified teach wherein precedent item frames and subsequent item frames of the current item frame are displayed at positions symmetrical to each other with the current item frame intervening therebetween (for example, items 208f and 208b are displayed symmetrically on either side of the centrally displayed item 208a, as shown in Figure 2A) (Hetherington: column 2, lines 32-42 and column 4, lines 8-36).

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods for displaying and rotating menu items.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



Kieu D. Vu
Primary Examiner